

FAQs

Frequently Asked Questions

About...

The Alternative Enforcement Program



Department of
Housing Preservation
& Development

FAQs

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What is the Alternative Enforcement Program?

Local Law No. 29 of 2007, passed by the New York City Council and signed into law by Mayor Michael R. Bloomberg, created the Alternative Enforcement Program (“AEP”). This Law went into effect on November 11, 2007. The law was recently amended, and the new provisions went into effect on January 31st, 2011. The AEP is an additional enforcement mechanism that the Department of Housing Preservation and Development (“HPD”) uses to enforce the correction of housing maintenance conditions in distressed multiple dwellings. The AEP provides HPD with the ability to identify multiple dwellings that are not properly maintained and ensure that violations and the conditions that caused the violations are corrected. Using criteria set forth in the statute, each year HPD designates 200 different people multiple dwellings for participation in the AEP.

What are the criteria that HPD will use to identify distressed buildings that will be selected for participation in AEP?

The criteria for identifying the multiple dwellings that will participate in the AEP are set forth in the law and include the number of class “B” hazardous and class “C” immediately hazardous violations issued by HPD as well as the amount of emergency repair charges incurred by HPD.

Is participation optional?

No. Participation is not an option.

Can private dwellings (one and two family) be entered into the AEP?

No. Only multiple dwellings (three family or more) meeting the statutory criteria will be identified for participation in AEP.

Will owners be notified of their building being entered into the AEP?

Yes. The last validly registered owner and managing agent of multiple dwellings that are identified for participation will be provided with notice of participation and information on how to be discharged within the first four months.

What must owners do in order to have their multiple dwelling discharged from the AEP within the first four months?

In order for a multiple dwelling identified for participation in AEP to be discharged, the owner must, within the first four months of being selected, apply for an AEP Dismissal Request Inspection and:

- Correct 100% of violations directly related to providing heat and hot water;
- Correct 100% of class “C” (immediately hazardous) violations related to mold;

- Correct a minimum of 80% of class "B" (hazardous) violations related to mold;
- Correct a minimum of 80% of violations related to vermin;
- Correct a minimum of 80% of all other class "B" (hazardous and "C" (immediately hazardous) violations;
- Submit a current and valid property registration statement;
- If there is vermin infestation, submit a pest management plan to the Department of Health and Mental Hygiene for approval;
- For mold and vermin violations, provide certification to the department of actions taken to correct such violations;
- Pay all outstanding charges, including liens, for emergency repair work performed by HPD or enter into an agreement with the Department of Finance to pay such charges and liens.

What will happen if the multiple dwelling is not discharged within the first four months?

Multiple dwellings that are not discharged within the first four months of the initial HPD notice will be subject to building-wide inspections, fees, and extensive repair work to correct violations and underlying conditions. Repairs for buildings in the AEP may include replacement of systems such as the domestic water supply, heating plant and roof. These are repairs which may be necessary to correct underlying conditions. An AEP order to Correct describing needed repair work will be filed with the County Clerk. The criteria for discharge are more extensive for discharge after the first four months of receipt of the HPD initial notice.

What must owners do in order to have their multiple dwelling discharged from the AEP after the first four months of being selected for the program?

In order for a multiple dwelling identified for participation in AEP, to be discharged, the owner must:

- Correct 100% of violations directly related to providing heat and hot water;
- Correct 100% of class "C" (immediately hazardous) violations related to mold;
- Correct a minimum of 80% of class "B" (hazardous) violations related to mold;
- Correct a minimum of 80% of all violations related to vermin;
- Correct a minimum of 80% of all other class "B" (hazardous) and "C" (immediately hazardous) violations;
- Correct all related underlying conditions detailed in the AEP Order to Correct;
- Submit a current and valid property registration statement;
- If there is vermin infestation, submit a pest management plan to the Department of Health and Mental Hygiene for approval;
- For mold and vermin violations, provide certification to the department of actions taken to correct such violations;

- Pay all outstanding fees and charges, including liens, for inspections and work performed by HPD or enter into an agreement with the Department of Finance to pay such charges and liens.

When correcting mold and vermin violations, does the law require that owners use specific work practices?

Yes. Mold and vermin violations in AEP buildings must be corrected using specific work practices detailed in the law.

What work practices must be followed when correcting mold violations?

When correcting mold violations landlords must investigate and correct identified moisture problems; provide occupants with a copy of the Department of Health and Mental Hygiene's brochure about mold; clean mold growth using soap or detergent and water and not bleach or biocide solutions, remove or securely cover with plastic sheeting any difficult to clean surfaces or items in the immediate work area; perform mold removal work in a manner that minimizes the dispersion of dust and debris; discard used materials using sealed heavy-duty plastic bags and clean visible dust from the mold removal work using wet cleaning methods or HEPA vacuuming; and document all corrective actions taken to correct the mold violations.

What work practices must be followed when correcting vermin violations?

When correcting vermin violations landlords must provide occupants with a copy of the Department of Health and Mental Hygiene's brochure on controlling pests safely; request the occupants support the pest management treatment by preparing the kitchen, bathroom and other rooms and be available to listen to advice on how to maintain pest free conditions; utilize pesticide applications or devices as permitted by state and federal law; caulk and seal small holes less than four inches in diameter as well as cracks and crevices in or between walls, cabinets, floors, and other locations where vermin may gain access; HEPA vacuum in kitchens and bathrooms, including in cracks, crevices and appliances and document all corrective actions taken to correct the vermin violations.

What is an AEP Order to Correct?

The AEP Order to Correct will be an Administrative Order that will list the underlying conditions that the owner must correct. The AEP Order to Correct will be mailed to the owner, posted at the building and filed with the County Clerk's Office.

What will happen if the owner does not comply with the AEP Order to Correct and does not correct the underlying conditions?

HPD may hire a contractor to make the repairs and will bill the owner. Failure to pay the bill may result in a lien being placed against the property.

Will tenants be notified if their building is identified for participation in the AEP?

Yes. HPD will post a notice to all tenants notifying them of HPD's identification of the property for participation in the AEP. Tenants will also be notified when the building is discharged.

What fees may HPD impose on multiple dwellings participating in the AEP?

Multiple dwellings that are selected to participate in the AEP and are not discharged within the first four months of the initial notice may be subject to the following fees:

- \$500 per dwelling unit every six months, beginning on the date of the building wide inspection, with a maximum total fee of \$1,000 per dwelling unit during participation in the AEP.
- \$200 for any complaint inspection performed in the subject property that results in the issuance of a class "B" (hazardous) or "C" (immediately hazardous violation).
- \$100 for each re-inspection pursuant to a certification of correction of violation(s) submitted to HPD where HPD finds one or more violations have not been corrected.

Failure to pay these fees may result in a lien or liens to be filed against the subject property pursuant to HMC §27-2153(q).

Will tenants be relocated while HPD is performing repairs?

No. HPD does not intend on relocating tenants while performing any necessary repair work.

How will the City get reimbursed for the cost of the repairs?

HPD will bill the owner for the cost of the repairs. Failure to pay may result in a lien or liens to be filed against the property.

Who should tenants and owners of buildings in AEP contact with any AEP questions?

Tenants and owners should contact the community coordinator that is assigned to their building by calling the AEP office at (718) 802-4141.

Will an owner be discharged if he or she does not have the funds to complete the necessary repair work?

No. A claim of insufficient funds does not warrant discharge from the AEP.

Are there any programs that can help owners obtain the money to make the necessary repairs?

HPD has a variety of programs that offers eligible owners low-interest loans for moderate to major renovations of vacant or occupied smaller buildings. Owners who are interested in obtaining a loan may contact the Division of Neighborhood Preservation by calling (212) 863-6048.

What happens if the owner makes all of the repairs but is unable to pay the repair balance?

Owners who are unable to pay the repair balance are encouraged to enter into an agreement with the Department of Finance to pay the charges and liens. If there is substantial compliance with the violations and there is a current and valid registration the building may be discharged from AEP upon execution of such agreement.

Are buildings that meet substantial compliance the only buildings that may be discharged from the AEP?

No. In addition to buildings that meet substantial compliance, HPD may discharge buildings for which a 7A administrator has been appointed; buildings that have been vacant for one year or more except for any building that contains six or more units and is the subject of a vacate order; buildings that become subject of an in rem foreclosure judgement in favor of the city and have been transferred by the city to a third party pursuant to NYC Administrative Code §11-412.1 in the last five years, and any building in which HPD has completed the work it is required to perform.

How can owners avoid having their property selected for participation in AEP?

Avoid participation in AEP by properly maintaining your building, submitting a current and valid property registration to HPD, correcting and certifying all HPD violations. In order to have overdue corrected violations removed from HPD records, you must request that HPD perform a Dismissal Request Inspection. For information on obtaining a Dismissal Request Inspection, please visit the HPD website at www.nyc.gov/hpd.

**New York City
Department of Housing Preservation
and Development**

**Office of Preservation Services/
Division of Code Enforcement**

Office Locations & Contact Numbers

Bronx:

1932 Arthur Avenue (3rd Floor)
Bronx, New York 10457
(718) 579-6790

Brooklyn:

701 Euclid Avenue
Brooklyn, New York 11208
(718) 827-1942

210 Joralemon Street (Room # 804)
Brooklyn, New York 11201
(718) 802-3662

Manhattan:

94 Old Broadway (7th Floor)
New York, New York 10027
(212) 234-2541

Queens:

120-55 Queens Boulevard (1st Floor)
Kew Gardens, New York 11424
(718) 286-0800, (718) 286-0808,
(718) 286-0809

Staten Island:

Borough Hall (2nd Floor)
St. George, New York 10301
(718) 816-2340

Alternative Enforcement Program

100 Gold Street (4th Floor)
New York, New York 10038
(212) 863-8262

See FAQs Inside

This pamphlet contains frequently asked questions for tenants and owners concerning the Alternative Enforcement Program and is provided for your convenience only. For complete information, consult the law and applicable rules.

The New York City Department of Housing Preservation and Development (HPD), Division of Code Enforcement, is responsible for enforcing the New York City Housing Maintenance Code and the New York State Multiple Dwelling Law.

For more information or to learn more about the New York City Department of Housing Preservation and Development please visit our website www.nyc.gov/hpd or call the City's Citizen Service Center at 311.



www.nyc.gov/hpd



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